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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,606	09/30/2003	Frank Eliot Levine	AUS920030485US1	4480
35525 7590 01/20/2009				
IBM CORP (YA)				
C/O YEE & ASSOCIATES PC				
P.O. BOX 802333				
DALLAS, TX 75380				
EXAMINER				
LI, AIMEE J				
ART UNIT		PAPER NUMBER		
2183				
NOTIFICATION DATE		DELIVERY MODE		
01/20/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* FRANK ELIOT LEVINE, ENIO MANUEL PINEDA,  
and ROBERT JOHN URQUHART

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Application No. 10/674,606  
Technology Center 2100

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Mailed: January 16, 2009

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Before PAULA CONN *Paralegal Specialist*  
CONN, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**INFORMATION DISCLOSURE STATEMENT**

Appellants filed an Information Disclosure Statement (IDS) dated March 27, 2007. There is no indication on the record that the Examiner has considered the above Information Disclosure Statement. MPEP § 609 requires the Examiner to consider any Information Disclosure Statement filed by Applicant if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above Information Disclosure Statement is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Information Disclosure Statement filed March 27, 2007; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

pgc

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